

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DIANNE J. GREEN

PLAINTIFF

VS.

CIVIL ACTION NO. 3:19-CV-519-DPJ-FKB

MISSISSIPPI DEPARTMENT OF
TRANSPORTATION

DEFENDANT

DEFENDANT MDOT'S MOTION *IN LIMINE*

COMES NOW, the Mississippi Transportation Commission, specially appearing on behalf of the Mississippi Department of Transportation (“MDOT”), by and through counsel for this specific purpose and pursuant to Fed R. Evid. 401, 402, 403, 404, and 602 moves this Court *in limine* to issue and Order instructing the Plaintiff and her attorney(s) and witnesses not to mention, refer to, interrogate concerning, or attempt to mention or convey in *voir dire*, opening and/or closing statements, or during this trial in any manner, either directly or indirectly, any of the following matters and to further instruct Plaintiff and all counsel not to make any reference to the fact that this motion has been filed and granted and to warn and caution each and every one of the witnesses to strictly follow these same instructions. The matters are as follows:

1. MDOT anticipates that Plaintiff will offer evidence or arguments concerning statement Randall Copeland allegedly made to Paula Williams concerning her replacement after she retired. For the reason set forth in the supporting memorandum filed contemporaneously with this Motion, such arguments or reference thereto are irrelevant, too remote in time, and inadmissible pursuant to Fed. R. Evid. 401, 402, 403, and 404.

2. MDOT also anticipates that Plaintiff will offer evidence of improper, unsubstantiated opinion testimony regarding the qualification of candidates for the Position. For reasons set forth in the supporting memorandum filed contemporaneously with this Motion, such evidence is inadmissible pursuant to Fed. R. Evid. 401, 402, 403 and 602.

3. Defendant MDOT moves *in limine*, before *voir dire* examination, opening statements and before the introduction of evidence, for an order *in limine* restricting all parties from making any mention through interrogation, *voir dire*, opening statement, arguments or testimony, either directly or indirectly, anything in relation to statement Randall Copeland allegedly made to Paula Williams concerning her replacement after she retired and improper, unsubstantiated opinion testimony regarding the qualification of candidates for the DOT-Maintenance Superintendent II position at issue in this case.

WHEREFORE, PREMISES CONSIDERED, the Defendant moves the Court for an order *in limine* instructing the Plaintiff, Plaintiff's counsel and Plaintiff's witnesses not to mention, refer to, interrogate concerning, or attempt to convey in any manner, either directly or indirectly, any of the above mentioned matters and to further instruct the Plaintiff and her counsel not to make any reference to the fact that this motion has been granted and to warn and caution each and every witness to strictly follow these same instructions.

Respectfully submitted, this the 29th day of January, 2021.

MISSISSIPPI TRANSPORTATION
COMMISSION

BY: /s/ Rodney M. Love
RODNEY M. LOVE, MSB #103143

RODNEY M. LOVE, MSB #103143
Mississippi Transportation Commission
Post Office Box 1850
Jackson, MS 39215-1850
Telephone: 601-359-7600
Facsimile: 601-359-7774
rlove@mdot.ms.gov

J. WADE SWEAT, MSB #9933
Special Assistant Attorney General
Civil Litigation Division
P.O. Box 220
Jackson, MS 39205-0220
wswea@ago.ms.gov

CERTIFICATE OF SERVICE

I, Rodney M. Love, do hereby certify that I have this day electronically filed the foregoing motion with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

This the 29th day of January, 2021.

/s/ Rodney M. Love _____
Rodney M. Love, Esq.